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JAN 2 3 2013

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA DANVILLE DIVISION

JULIA C. DUDDEY, CLERK BY: DEPUTY OLERK

VANESSA D. STAPLES,)	CASI	E NO. 4:12CV00026
Plaintiff,)	DED	ORT AND RECOMMENDATION
v.)	KEF	OKT AND RECOMMENDATION
COMMISSIONER OF SOCIAL)	_	
SECURITY,)	By:	B. WAUGH CRIGLER
)		U.S. MAGISTRATE JUDGE
Defendant.)		

On July 17, 2012, plaintiff filed this action in the District Court for the Western District of Virginia challenging a final decision of the Commissioner which denied plaintiff's April 19, 2010 protectively-filed applications for a period of disability, disability insurance benefits, and supplemental security income under the Social Security Act ("Act"), as amended, 42 U.S.C. §§ 416, 423 and 1381, et seq. This case was referred to the undersigned on December 10, 2012 under authority of 28 U.S.C. § 636(b)(1)(B) to render to the presiding District Judge a report setting forth appropriate findings, conclusions, and recommendations for the disposition of all dispositive motions. On November 26, 2012, following the filing of defendant's answer, plaintiff was mailed a social security briefing notice, which informed her that her brief was due by December 31, 2012. On January 4, 2013, the undersigned issued an order to show cause instructing plaintiff to respond by January 16, 2013 and warning her that a failure to respond would result in dismissal for failure to prosecute. (Dkt. No. 16.) Plaintiff has failed to respond. Accordingly, it hereby is

RECOMMENDED

that plaintiff's Complaint be DISMISSED for failure to prosecute.

The Clerk is directed to immediately transmit the record in this case to the presiding United States District Judge. Both sides are reminded that pursuant to Rule 72(b), they are entitled to note objections, if any they may have, to this Report and Recommendation within fourteen (14) days hereof. Any adjudication of fact or conclusion of law rendered herein by the undersigned not specifically objected to within the period prescribed by law may become conclusive upon the parties. Failure to file specific objections pursuant to 28 U.S.C. § 636(b)(l)(C) as to factual recitations or findings as well as to the conclusions reached by the undersigned may be construed by any reviewing court as a waiver of such objection. The Clerk is directed to transmit a certified copy of this Report and Recommendation to all counsel of record.

ENTERED:

U.S. Magistrate Judge

Date